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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/664,116	09/17/2003	Laurent Aubree	602SC [2630.3157.001]	4784

7590 02/23/2005
William H. Francis
Reising Ethington Barnes Kisselle P.C.
P. O. Box 4390
Troy, MI 48099-4390

EXAMINER

LO, WEILUN

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/664,116

Applicant(s)

AUBREE ET AL. 

Examiner

Weilun Lo

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>12/24/2003</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in France on 4/19/2002. A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter. ***Specification***

2. The disclosure is objected to because of the following informalities: page 12, line 12, "outlet 221" should be corrected to -- inlet 221 --.

Appropriate correction is required.

3. Claims 10 and 17 are objected to because of the following informalities:

- Claim 10, line 1, the dependency should perhaps be changed to -- claim 3 -- because there is no proper antecedent basis for "the filter" in claim 1.

- Claim 17, line 2, "brace" should perhaps be changed to -- end portion --, note p. 12, paragraph 49.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 2, 7, 18, 20, 27, and 28 are rejected under 35 U.S.C. 102(b) as being anticipated by Coha et al. (US 4,945,884). Coha et al. show a fuel delivery assembly as

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claimed including a first assembly 46 which carries at least one accessory - a valve 64, a second assembly including an annular housing 22 for receiving an electric motor fuel pump (col. 2, l. 22) and having tubular portions 84 to receive ends of the linking members, and a third assembly including at least two interchangeable linking members 76A-76C with reference beads 80. Member 76A is hollow and permits fuel flow therethrough with lower section of gutter form adapted to guide fuel. Conduit 62 provides fuel discharged from the pump.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

8. Claims 24, 25, 29, and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coha et al. (US 4,945,884). Coha et al. show a fuel delivery assembly substantially as claimed, however do not specifically mention the material of the linking members nor a lock washer or clips for attaching a linking member to the second assembly. It would have been obvious at the time of the invention for one of ordinary skill in the art to have made the linking member of either plastic or metal tube in that such are well known in the art, thus merely a matter of design choice and no new or unusual results would have been obtained. Furthermore, it would have been obvious to said individual to use other methods of attaching the linking members to the second assembly than disclosed, such as using a lock washer or clips, as these are well known methods of attachment, thus merely a matter of design choice and no new or unusual results would have been obtained.

9. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Coha et al. (US 4,945,884) in view of Horiuchi et al. (US 6,378,504). Coha et al. show a fuel delivery assembly substantially as claimed, however do not specifically mention the material of the first assembly. Horiuchi et al. are relied upon solely to teach that polyoxymethylene is well known to be used for making fuel pump assembly housing members (col. 6, l. 18-21). It would have been obvious at the time of the invention for one of ordinary skill in the art to have made the first assembly with polyoxymethylene as taught by Horiuchi et al. in that such is known to provide a good molding results so as to provide a reliable fuel pump assembly.

10. Claims 3-6, 8, 10-13, 26, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coha et al. (US 4,945,884) in view of Briggs et al. (US 6,155,238). Coha et al. show a fuel delivery assembly substantially as claimed. Briggs et al. are relied upon to teach a fuel delivery assembly having a similar first assembly carrying accessories that include a fuel filter 14 clamped between two shells, a housing 30 for fuel pressure regulator 28, and a fuel level sensor (124,122 - col. 5, l. 40-42). The housing 30 defines two nearly concentric or coaxial conduits 34 and 36 - although they are shown as slightly off-set from each other, it would have been obvious to make them concentric or coaxial in order to save space (to the right end of the housing). Briggs et al. teach bent linking members 102 (Fig. 4). It would have been obvious at the time of the invention for one of ordinary skill in the art to have modified the fuel delivery assembly of Coha et al. to have the previously mentioned features as taught by Briggs et al. in order to have a compact modular unit that also includes important accessories such as a fuel filter 14, a fuel pressure regulator 28, and a fuel level sensor, and bent linking members in order to provide freedom of articulation to ease installation of the assembly into a fuel tank.

11. Claims 14-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coha et al. (US 4,945,884) in view of Briggs et al. (US 6,155,238) and further in view of Bucci et al. (US 5,647,329). Coha et al. show a fuel delivery assembly substantially as claimed. Bucci et al. are relied upon to teach that an inlet filter provided with an inner brace 66 are well known. Briggs et al. further teach an inlet filter 110 includes an end portion 112 having a general shape of an "L" received on and extends the inlet of the

fuel pump 22. It would have been obvious at the time of the invention for one of ordinary skill in the art to have inserted the inner brace 66 in the inlet filter of Briggs et al. so as to prevent the filter from undesirably collapsing, and further to integrate the inlet filter system of Briggs into the assembly of Coha et al. in that such would assure the inlet filter is at or near the bottom of the fuel tank to maximize fuel intake capability especially when the fuel level becomes low in the tank.

12. Claims 19 and 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coha et al. (US 4,945,884) in view of Hoover (US 4,964,787). Coha et al. show a fuel delivery assembly substantially as claimed. Hoover is relied upon to teach a similar fuel delivery assembly and further including a housing with longitudinal ribs (68, 106) to provide an interference fit for the fuel pump, and further having an arm 52 having a portion 54 defining a lower axial abutment for the fuel pump. It would have been obvious at the time of the invention for one of ordinary skill in the art to have provided the housing with the axial ribs and an arm 52 having a portion 54 defining a lower axial abutment for the fuel pump and a complimentary sector on the pump to engage the pin like portion 54 as taught by Hoover in the assembly of Coha et al. in order to provide a secure mounting through interference fit and rotation prevention of the fuel pump in the assembly.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Weilun Lo whose telephone number is (571) 272-4847. The examiner can normally be reached on 8:30AM TO 7:00PM M-Th.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on (571) 272-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Weilun Lo
Primary Examiner
Art Unit 3747